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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixtieth session

SUMMARY RECORD OF THE 1499th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 6 March 2002, at 3.00 p.m.

Chairman: Mr. DIACONU

later: Mr. PILLAI
(Vice-Chairman)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Fourth and fifth periodic reports of Croatia (CERD/C/373/Add.1, CERD/C/304/Add.55 and HRI/CORE/1/Add.32/Rev.1)

1. At the invitation of the Chairman, the members of the delegation of Croatia took places at the Committee table.

2. Ms. KARAJKOVIĆ (Republic of Croatia) announced that significant changes furthering the democratization of society had occurred since the drafting of the report. The new parliament, elected in January 2000, had passed amendments to the Constitution, which established a balance between the legislative, executive and judicial branches and secured human rights for all persons, save for certain rights linked to citizenship. The provisions of the Constitution relating to political parties had been modified to lend them greater clarity. Such changes would entail significant alterations to legislation, including that on national minorities, but all the data from the census taken in the year 2000 would have to be processed before new laws on that subject could be introduced.

3. Turning to her country's response to the Committee's concluding observations on the previous report (CERD/C/304/Add.55), she explained that Croatia, acting in close cooperation with the Council of Europe, had appointed experts to review the whole body of its legislation in order to identify any discriminatory provisions. Croatia had also signed Protocol 12 to the European Convention on Human Rights and remoulded the principles and standards of its legal system so as to extend the scope of article 14 of that Convention. All those activities were set against a very complex economic backdrop, which was hampering the return and resettlement of displaced persons and refugees.

4. Amendments to the Constitutional Act on Human Rights and the Rights of Ethnic and National Communities or Minorities prescribed proportionate representation for minorities accounting for at least 8 per cent of the population. The implementation of those provisions had, however, been held up by the parliamentary elections in the year 2000 and the fact that the data from the population census had not yet been published. The Act regulating local elections stipulated that, within 90 days of the publication of those results, additional elections must be held so as to ensure proportionate representation of national minorities at the local level. A new Act on parliamentary elections was in the pipeline. Another significant amendment contained in the above-mentioned Constitutional Act was the introduction of the term "Bosniac" and the mentioning by name of all the other minorities in Croatia, in order to secure their proportionate representation in parliament and in the representative bodies of local territorial units.

5. The constitutional amendments introduced in 2000 made it anti-constitutional for political parties to engage in any form of discrimination. Article 45 of the Constitution comprised a similar clause relating to other associations of citizens. To date, there had been no instances of the work of a political party or citizens' association being deemed discriminatory. Furthermore, Croatia was taking part in the "Link Diversity" project aimed at heightening

awareness of the need to promote a multi-ethnic society and had requested funding for a number of other schemes to foster inter-ethnic dialogue and create a basis for mutual understanding and cooperation. In addition, the conclusions of a conference organized by Croatia, in cooperation with the Office of the High Commissioner for Human Rights and the European Commission, had placed particular emphasis on the fight against racism and the encouragement of tolerance and respect for multiculturalism.

6. The Republic of Croatia had striven to speed up the overall process of the return of displaced persons and refugees and the Government had firmly committed itself to enabling the return of all its citizens regardless of their nationality or religion. In order to create propitious conditions for their return, all discriminatory provisions had been removed from legislation. Current laws and procedures guaranteed all returnees the equal right of reconstruction and repossession of property, equality before the law and social protection. In 2001 further measures had been adopted to accelerate the process of return. To that end, an Action Plan envisaged the repossession of 9,109 homes by their owners by the end of 2002. On the other hand, it was necessary to ensure that the small number of refugees who wished to go back to Bosnia and Herzegovina could do so in conditions permitting them to remain there in the long term. In cooperation with the international community, funds had been raised for the accommodation of displaced persons, primarily from Bosnia and Herzegovina, so as to enable property to be returned to refugees of Serbian nationality. Moreover everyone, regardless of nationality, was entitled to the reconstruction of their home if it had been destroyed.

7. Most of the difficulties related to the acquisition of Croatian citizenship had been resolved, although problems still arose on account of the length of proceedings. The Ministry of the Interior was drafting a new Law on Croatian Citizenship, which would probably be tabled in parliament by the beginning of 2003 at the latest.

8. Discriminatory behaviour was regarded as anti-constitutional and the Penal Code laid down penalties not only for such behaviour, but also for incitement. Nevertheless only a small number of offences of that kind had been reported or dealt with by the courts, probably because it was hard to prove that they had been committed and not many people realized that prosecution was possible. Very few cases could be categorized as pure discrimination, since most involved a breach of other legal provisions.

9. Instruction in human rights was being widely provided. A number of government bodies closely cooperated with non-governmental organizations (NGOs) in the promotion of human rights and a programme for instruction in human rights was being implemented in schools. Human rights training was also being given to the police and the judiciary. The large number of complaints filed with the Constitutional Court indicated an awareness of the possibility of obtaining redress for violations of human rights. Furthermore, the Ombudsman was actively combating all infringements of citizens' rights as set forth in the Constitution.

10. The Government of Croatia was implementing a programme to improve the integration of Roma in Croatian society and, as part of the Stability Pact for South Eastern Europe, it had submitted a project that would include seminars and interactive workshops for Roma leaders and government officials. The "Roma in Croatia" project (copy handed to the Committee) covered

all activities connected with the drafting of a national programme for the Roma and had been devised by the Office for National Minorities. On the whole, those measures had prompted a more sensitive approach by the media to human rights issues.

11. Freedom of association was guaranteed by the Constitution and governed by existing legislation. The Associations Act had been drafted with the assistance of Council of Europe experts and passed in 2001. As a result, foreign natural or legal persons could found associations or local branches thereof.

12. Measures were being prepared to expedite the work of the courts, which were facing a huge backlog of cases. Under a recent Act, the State Judicial Council had been made responsible for appointing judges, an innovation which had significantly increased the influence of the profession over the nomination procedure and ensured greater impartiality. Judicial reform would be implemented in two stages. Its main aims were to improve both the efficiency of the courts and the professionalism of judges, while transferring the power to handle matters not requiring judicial competence to notaries public and making the Ombudsman responsible for supervising the lawfulness of civil proceedings.

13. The Republic of Croatia agreed to the amendments to article 8, paragraph 6, of the Convention and would shortly be making the declaration on the application of article 14. Croatia, as a member of the Council of Europe, recognized the jurisdiction of the European Court of Human Rights, which offered an effective remedy for human rights violations. The number of applications submitted to the Court showed that full use was being made of that possibility and some complaints had relied on article 14 (prohibition of discrimination) but, of the judgements delivered to date, none had found a breach of that article. The Office of the Government Agent before the European Court of Human Rights had requested the competent authorities in Croatia to harmonize domestic legislation with the Convention.

14. The Committee's recommendations could not be covered in the report, since they had been received after the report had been drafted. She would, however, be pleased to supply further information in response to any questions members might wish to raise. The next report, which, she believed, would be prepared jointly by the Government and NGOs, would also contain more data in that respect.

15. Mr. THORNBERRY (Country Rapporteur) said that the fact that Croatia was a party to many international human rights conventions betokened the country's commitment to the rule of law and human rights after a period of extensive social, political and economic upheaval. He welcomed the delegation's statement to the effect that the Government intended to make the declaration under article 14 of the Convention and that it supported Protocol No. 12 of the European Convention on Human Rights.

16. While the report contained a great deal of information on legal provisions, it lacked details concerning their practical implementation. Much change had occurred in the country in the past 10 years. However, the report's data on ethnic composition were based on the 1991 census. The Committee would therefore appreciate a summary update of the demographic situation, even a qualitative one, pending publication in June 2002 of the complete results of the

April 2001 census. When that census had been taken, the phrasing of questions relating to ethnicity and religion had given rise to some concern, as respondents reportedly had had to answer the question of whether they were Croats and Catholics by a simple affirmative or negative.

17. The report lacked information on the impact of racial discrimination on women and vulnerable groups. Given the requirement for a two-thirds parliamentary majority in order to pass a new law on ethnic and national minorities, was there a good chance that the bill drawn up with the assistance of the Venice Commission of the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) would be adopted? Could the delegation describe the work of the parliamentary National Minority and Human Rights Committee?

18. The Government had made various commendable efforts to familiarize the population with human rights principles, and had provided training for judges. Noting that the judgements of the European Court of Human Rights (ECHR) were published by the Government, he asked if any similar procedures existed for the concluding observations of the Committee. The establishment of the Commission for Relations with Religious Communities and the Office of the Government Agent was a commendable step. Could the delegation describe the role of groups other than the Catholic Church in the Commission? What follow-up was given to the judgements of ECHR?

19. In 2001 an OSCE Mission to Croatia had concluded that Croatia's legal and administrative system for the return of displaced persons and refugees had left an unclear patchwork of rules, regulations and laws creating an effective barrier against return. The Committee on Economic, Social and Cultural Rights had similarly found that many ethnic Serbs continued to face legal and administrative difficulties in attempting to repossess their former homes in Croatia. Could the delegation comment on those statements? What were the respective definitions of displaced people, refugees and returnees?

20. How did the reference to "true, fair and lawful possessors" in the report affect ownership rights? Was it still true that alternative accommodation must be made available to those occupying premises before returning owners could recover their property? What happened if the current occupants refused to leave? Was the repossession scheme limited to Croatian citizens, thus effectively blocking those unable to claim citizenship from repossessing their property? Had any steps been taken to compensate the departing population for their loss of occupancy rights, which had been imposed as a penalty during the conflict? Had such rights been restored? He referred the delegation to General Recommendation XXII of the Committee, which set out principles for dealing with refugees and displaced persons, and inquired as to whether the Programme of Return and Accommodation of Displaced Persons and Refugees was merely a government policy programme, or an instrument with the force of law.

21. The report referred to a number of national minority groups, but the status of the Roma was unclear. While the preamble to the Constitution did not mention them specifically, the legislation and statistics treated them as a national minority. Were there any current estimates of the Roma population or figures on school enrolment? The Roma population figure of 6,695 given in the 1991 census had been criticized as a gross underestimate by Roma groups. Were the

Roma reserved a seat in parliament? Were there any members of parliament who were Roma? He reminded the delegation that the Committee had, in General Recommendation XXVII, advocated an inclusive approach to the schooling of Roma children. Was there a curriculum for Roma children, and were there any teachers from the Roma community? How were the needs of that group addressed?

22. The report offered no information on article 3 of the Convention, and the statistics on racially motivated crimes in relation with article 4 were quite low. Furthermore, it was not clear whether racist propaganda was prohibited by law. What mechanisms were used to ensure freedom of decision and secrecy when voters were called upon to elect representatives for parliamentary seats reserved for specific groups? How could voters establish their ethnic affiliation in secret? The Committee would appreciate further information on the participation by national minorities in local and national institutions, including law enforcement bodies and the judiciary.

23. The legal provisions concerning citizenship had previously established separate requirements for people of Croat ethnicity and for others. Had those provisions been brought into line with the Convention, which prohibited discrimination based on nationality? In practice, did the rulings of the judiciary always conform with the policies pursued by the various government ministries in that regard? Had any Roma people been naturalized? The Committee on Economic, Social and Cultural Rights had called for the establishment of objective criteria irrespective of ethnic origin for the naturalization of people who had left Croatia during the war.

24. The Government listed an impressive number of non-governmental organizations involved in human rights activities. He trusted that such NGOs would take part in the drafting of the following report, as that would be consistent with the spirit of the work of the Committee. While the section of the report on economic, social and cultural rights gave ample information on measures against racial discrimination in employment and labour law, the delegation might provide more details on provisions to combat discrimination in housing, health services, social security and the provision of goods and services. Did schools established for minorities receive government financial support? More information would be appreciated on the three basic models of education of national minorities mentioned in paragraph 167 of the report. Regarding judicial protection, the Committee would like to find out whether there were any compensation schemes for victims of racially motivated crimes. How was the Government cooperating with the International Criminal Tribunal for the Former Yugoslavia, and how many persons had been convicted of war crimes? What was the definition of a war crime under national law? How did the Government deal with requests for amnesty, in particular in cases of very serious crimes? Since the adoption of an amnesty law in 1996, had the Government considered the reclassification of certain offences for which people had been sentenced, bearing in mind the atmosphere of conflict in which the original sentences had been handed down?

25. Was the subject of tolerance a part of the regular school curriculum? How did history textbooks address the national question and the recent conflict? It would be of interest to the Committee to hear what pedagogic strategies were employed in Croatia to overcome a legacy of division, as the country's experience could perhaps be put to good use elsewhere.

26. Mr. VALENCIA RODRÍGUEZ noted that because of its geographic location, Croatia had become home to a large number of ethnic minorities. The Constitution ensured equal rights and freedoms for citizens and non-citizens regardless of race, colour, and national or social origin. Ratified international instruments were incorporated into domestic law, and took precedence over national laws. Did that hold for the Convention as well? Could the Convention's provisions be invoked directly before Croatian courts?

27. Massive population displacements during the recent conflict had led to serious difficulties, and the Committee appreciated the fact that Croatia was the only State in the region that had allowed all its citizens, including those of ethnic minorities, to return without any conditions. According to the report, the return policy was aimed at ensuring that all displaced persons, refugees and returnees had equal rights, irrespective of the method of their return. The Committee would appreciate it if the delegation could confirm that such mass movements of population took place without any discrimination.

28. While the Penal Code fulfilled the requirements of article 4, paragraph (a), of the Convention, there was a lack of information in the report on provisions prohibiting racist organizations and banning the promotion or incitement of racial discrimination. He noted that Croatia applied the minimum standards for the protection of the human rights of persons deprived of their freedom, and that such standards were applied without discrimination.

29. The measures taken to ensure legislative representation of minorities were commendable. The Committee would be interested to learn the definition of indigenous national minorities and to find out what criteria were used to establish that certain minorities could elect their representatives separately, while others could not. While it was good that foreign nationals and stateless persons were sometimes able to hold public office, the Committee would like to hear in what circumstances the respective ministries granted permission for that to happen, and to learn of specific cases.

30. There had reportedly been complaints of racial discrimination against persons who had applied for Croatian nationality. Had any measures been taken to address those cases, and if so, what had the outcome been? Were the restrictions on the purchase of property by foreigners applied without discrimination as to race or ethnicity? What was the situation of national minorities in the labour market? Did they enjoy equal rights, and were they entitled to equal remuneration for equal work? Were work permits issued without any discrimination as to race or ethnicity?

31. The Government was clearly aware of the need to address the problems involved in providing Roma children with primary and secondary education. More measures were required to overcome such difficulties. Could the delegation indicate whether the Ombudsman investigated situations of racial discrimination? What legal provisions covered the requirements of article 6 of the Convention?

32. Mr. PILLAI commended Croatia for the emphasis it placed on the preventive aspect in addressing racial discrimination. He was particularly impressed by the long list of associations involved in protecting and promoting human rights, referred to in paragraph 110 of the report, and by the details of efforts to promote human rights education. Paragraph 154 referred to the

setting up a National Board for Education in Human Rights; that was a unique institution. He was also pleased to learn that future reports would be prepared jointly by organizations of civil society and the Government.

33. He welcomed the focus in the report on the problems of the Roma and pointed out that the Committee had done work on that topic in thematic discussions; it was to be hoped that Croatia would draw upon the many recommendations which the Committee had produced on the subject when addressing problems faced by Roma specifically in Croatia.

34. He was disturbed by the reference in the table in paragraph 8 of the core document (HRI/CORE/1/Add.32/Rev.1) to Muslims and Jews as nationalities. Did the Croatian Government really regard Muslims and Jews as belonging to an ethnic group or a particular nationality? Why did paragraph 19 of the fifth periodic report draw a distinction between Croats and Croatian citizens? Was paragraph 68 referring to Hungarians, Serbs, Austrians, Germans and other nationals living in Croatia, or were such persons Croatian citizens of various national origins? Such terminology made it difficult to understand the question of ethnicity in Croatia.

35. Paragraph 82 of the report pointed out that spouses were equal, and paragraph 95 noted that the law did not contain any discriminating provisions with regard to female/male relations in the area of inheritance. Although the question was not strictly related to racial discrimination, he asked what had been the actual practice in implementing the law.

36. Turning to implementation of article 6 of the Convention, he observed that, according to paragraph 184, many cases submitted to the Ombudsman had the characteristics of racial discrimination. Could details be provided on such cases?

37. Mr. YUTZIS said that he had visited Croatia on behalf of the Committee in 1992, travelling to areas of conflict and discussing the situation with government officials, and he acknowledged the efforts made by Croatia to deal with the difficult situation of refugees, displaced persons and returnees.

38. He drew attention to the religious dimension, which was closely related to the conflicts in the region and was inextricably linked to the question of nationality. Steps should be taken to ensure the multicultural and multi-religious nature of Croatian society.

39. The report had provided very positive information on how Croatia was dealing with the problem of returnees and displaced persons, but it also gave the impression that racial problems or contradictions did not exist. Information was lacking on how many complaints had been lodged for violations of the human rights protected by the Convention, how many cases were currently being tried and how many sentences had been handed down.

40. Like other members of the Committee, he was uncertain as to what Croatia meant by ethnic and national minority as used in the report, despite the Committee's reiterated observation, in paragraph 6 of the concluding observations (CERD/C/304/Add.55) on the State party's last country report, regarding the lack of clarity of such terms. Noting that the Constitution expressly recognized the multicultural and multiracial make-up of Croatian society,

he called upon Croatia to provide in-depth information on the question in its next report, in keeping with the recommendations of the Durban Conference. The manner in which States defined those terms had practical consequences for the protection of such groups.

41. Neither in the report nor in the oral introduction had Croatia responded to the concern expressed by the Committee in paragraph 7 of the concluding observations about the reduction of the proportionate representation of the Serbian ethnic community in the Croatian Parliament.

42. He asked the State party why it had not replied fully to the Committee's questions on implementation of article 4 of the Convention. If he understood the delegation's opening remarks correctly, some information was forthcoming. When would the Committee receive it? He would like to know when Croatia would finally ensure full implementation of article 4 in line with the recommendations of Durban and hoped that the next report would provide more detailed information on that question.

43. According to paragraph 26 of the report, of the 280,000 Serbs who had left Croatia after 1991, some 66,910 had returned to their homes in Croatia. What had happened to the rest? What had prevented them from returning?

44. When he had been in Croatia, even officials had admitted that the State had exercised excessive control over the media. Neither the report nor the oral introduction had mentioned paragraph 15 of the concluding observations, in which the Committee called upon Croatia to take measures against the use of the mass media for incitement to ethnic hatred.

45. Likewise, despite the Committee's repeated requests for information, the report had nothing to say about the situation of Serbs living in Eastern Slavonia, Baranya and Western Sirmium. He asked for clarification either by the delegation or in the next report.

46. The report said little about the situation of the Roma. It was difficult to have a dialogue with the State party if the Committee was not appropriately informed.

47. Mr. FALL commended Croatia on the large number of women in the delegation. Since the presentation of its last report, Croatia had made considerable progress towards economic and social reform. He commended Croatia for its many efforts in that regard.

48. He was pleased that the Croatian delegation had corrected the term "Muslim", replacing it in the documents by "Bosniac" as the name of an ethnic group. Muslims were not members of an ethnic group, but of a religious group.

49. Referring to the implementation of article 4 of the Convention, he said that it was insufficient for the report simply to affirm that incitement to racial or religious hatred was prohibited and punishable (para. 36). Pursuant to article 4 (b) of the Convention, specific legislation must be passed to punish racist propaganda and participation in racist organizations. Although the Committee had already raised the concern during the presentation of the last report, the requirement had not been met.

50. Turning to paragraph 68 of the report, he asked what exactly the election procedure was for electing those minorities. In paragraph 14 of its concluding observations, the Committee had recommended that the State party reinstate the provisions for the fair and proportionate representation of the Serbian ethnic community, which accounted for 12 per cent of the population, in the Croatian Parliament. He asked the delegation to provide updated information on what was being done in that regard.

51. Paragraph 58 of the report asserted that virtually all the complaints lodged for violating the right to equal treatment of citizens had been dismissed because there were no "elements of a criminal offence". Given the number of complaints, the procedure should be reviewed; further investigations of such cases were needed.

52. According to paragraph 73, each person lawfully present in Croatia had the right to freedom of movement and residence, but restrictions appeared in paragraph 75. He asked the delegation to comment on that apparent contradiction and to provide information on the restrictions placed on foreigners residing in Croatia.

53. The report explained in paragraph 76 that nationality was based on the principle of ius sanguinis, but that the principle of ius soli was applied in certain specified cases. Could the delegation provide examples of such cases?

54. Mr. Pillai took the Chair.

55. Mr. de GOUTTES said that one of the main problems still facing Croatia was that of the return of displaced persons. The report spoke at different points of refugees, displaced persons and returnees; he asked the delegation to explain the terminology used.

56. Paragraph 34 referred to difficulties regarding the interpretation of the term "possessory title" for what were called "true, fair and lawful possessors". Would the legal amendments currently under consideration overcome those difficulties?

57. Paragraph 94 spoke of a special agreement between Yugoslavia and Croatia on the repossession of houses and flats. What was the exact content of that agreement?

58. Reports had been received alleging discrimination against members of the Serb community. The concluding observations had already raised the issue of racist and discriminatory speech in the media, difficulties in obtaining citizenship, insufficient representation in the Croatian Parliament, inadequate prosecution of racist offences and discrimination in the judicial system. According to paragraphs 58 to 60 of the report, there had been few convictions in cases alleging acts of racism. Yet paragraph 184 stated that there had been an increase in the number of such cases in recent years. Could the delegation provide more complete information on the prosecution of alleged acts of racism?

59. He agreed with Mr. Thornberry and Mr. Yutzis that paragraphs 36 to 39 of the report did not reply in full to the concerns expressed by the Committee in paragraph 15 of its concluding observations, in which it had called upon the State party to take measures to declare illegal and prohibit organizations engaging in the promotion of and incitement to racial discrimination and ethnic hatred.

60. Concerning paragraph 68, he did not understand why the Austrian, German, Russian, Ukrainian and Jewish national minorities together had only one representative. Like other members before him, he did not see why the Jewish community was listed as a national minority.

61. With reference to paragraph 103 of the report, what was the content of the amendment to the Penal Code being prepared by the Government in connection with freedom of expression?

62. According to the report of Amnesty International 2001, considerable efforts had been made by the authorities to increase cooperation with the International Criminal Tribunal for the former Yugoslavia. A number of Croat and Bosnian Croat military and paramilitary leaders had been arrested on suspicion of having committed war crimes in Croatia and Croat-held areas of Bosnia and Herzegovina, and scores of Croatian Serb returnees had been arrested on outstanding war crimes charges. Could the delegation give an update on Croatia's cooperation with the Tribunal?

63. He inquired whether measures were planned to make the Convention and the conclusions of the Committee better known in the population, as well as to promote human rights teaching and inter-ethnic understanding among law-enforcement officials and persons working in the media. What was Croatia's current position on the question of recognizing the individual complaints procedure?

64. Mr. AMIR said that most of the important issues relating to the report had already been raised by other Committee members. He nevertheless felt it necessary to express his appreciation to the Croatian delegation for presenting its report and to focus attention on two significant terms used in it: "Bosniac" and "Jewish". On the instructions of the Ministry of Foreign Affairs the term "Muslim" should read "Bosniac" where it appeared in the documentation submitted. However, he wondered whether the Muslims concerned had been asked if they were all Bosniacs? Furthermore, when the term "Jewish" appeared last in the long list of national minorities (para. 68), that was tantamount to discrimination. Since he was opposed to all forms of discrimination, he sympathized with the Jewish minority in that situation. Lastly, had any thought been given to the fact that there might be some Muslims among the other national minorities listed in paragraph 68?

65. Mr. LINDGREN ALVES said that the presentation of Croatia's report was indeed a notable achievement for a country which had regained independence fairly recently, and testified to the Government's resolve to establish a constructive dialogue with the Committee. His main concerns related to the issue of nationality. Referring to paragraph 67, he asked what was meant by the term "indigenous national minorities". Paragraph 68 of the report drew a clear distinction

between two different categories of national minorities in terms of their political rights. He sought clarification regarding the phrase "together elect one representative each" used in connection with the latter category. Also, why was there no mention of the Bosniacs? Were they not represented in Parliament?

66. Mr. SICILIANOS said that the new government in Croatia had resulted in a series of legislative developments about which the Committee needed more information in order to assess compliance with the Convention. In particular, he sought further details on new legislation relating to political parties and the representation of minorities. He would also welcome more information on new legislation relating to the return of refugees and displaced persons, especially in connection with the repossession of property as well as on laws relating to the media and citizenship respectively. If such information was provided he was certain that most of the Committee's concerns would be met.

67. Mr. SHAHI asked whether the temporary suspension of certain provisions affecting the representation of national minorities in parliament was still in force and, if so, when it was likely to be terminated. He also expressed concern about the fact that the Bosniac minority was not represented in parliament. In general, he considered that the concerns highlighted by the Committee in its concluding observations concerning Croatia's initial, second and third periodic reports (CERD/C/304/Add.55) had not been properly addressed by the State party, especially in relation to article 4 of the Convention. In order to further the dialogue with the Committee the delegation should explain why. Given the difficulties Croatia had experienced in recent years credit was nonetheless due to the State party for the report submitted and the process of normalization undertaken, which he hoped would be completed as soon as possible with full restoration of rights to all parties concerned.

68. The delegation of Croatia withdrew.

FOLLOW-UP TO THE WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE; THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (1993-2003) (agenda item 8) (continued)

69. Mr. LINDGREN ALVES said that as a treaty monitoring body the Committee was bound by its terms of reference and thus its only means of following up on the World Conference was by relating its results to the Convention. Perhaps the final documents of the Conference could be incorporated in some way in the general guidelines regarding the form and contents of reports to be submitted by States parties as an additional impetus to ensuring compliance with the Convention. The Durban Conference had undoubtedly been very difficult and its negotiations conducted in a very different atmosphere from that of the World Conference on Human Rights (Vienna, 1993). However, the fact that the Declaration and Programme of Action had finally been adopted, without a vote, was indeed a considerable achievement. The Committee must highlight its importance by making a clear statement along those lines, preferably in the reporting guidelines, and possibly by requesting States parties to indicate what action they were taking in accordance with the final documents of the Conference.

70. The CHAIRMAN, speaking as a member of the Committee, said he agreed on the fundamental importance of the Durban final documents. However, he wondered whether it might also be appropriate to make some reference to the NGO Declaration and Programme of Action. For despite the fact that the High Commissioner had disassociated herself from those documents, there could be no doubt that the NGOs had made a valuable contribution to the Conference by raising awareness about racial discrimination during the various fringe events organized. He would welcome comments from those Committee members who had participated in such events.

71. Reverting to one of the issues raised during the Committee's earlier discussion at the 1498th meeting, namely the consequences of the Durban Conference for the work of the Committee, he drew attention to paragraphs 177 and 178 respectively of the Declaration and Programme of Action, which called for continued cooperation between States parties and the Committee as well as adequate resources for the latter. He suggested the Committee should elaborate on that theme and bring it to the attention of the High Commissioner when making requests for greater support and additional resources. Additional activities the Committee might wish to undertake arising from the Durban Conference included greater cooperation with regional organizations and national human rights institutions. Thus far the Committee had tended to focus its efforts on NGOs. A related problem was that of capacity-building. The Committee had been hampered in its work over the years by a lack of resources and frequent changes in secretariat staff; the latter in particular made it difficult to build up institutional memory.

72. Mr. ABOUL NASR endorsed Mr. Pillay's latter comments regarding the need for capacity building. The Committee's needs were poorly serviced - the publication of the summary records from the previous session being just one example. He asked for copies of the NGO Declaration and Programme of Action from the Durban Conference to be made available to Committee members.

73. Mr. YUTZIS said that the Committee should adopt a fairly simple approach in its follow-up to the World Conference. He suggested it should examine proposals made at the Conference relating to the Convention, its limitations and the Committee and it should select between 5 and 10 of the most important ones. It should re-formulate them as a set of basic policies and then find some way of linking them to the States parties. It was well known that the success of the Declaration and Programme of Action hinged on their implementation at national level. To be sure there were the States parties' reports, but greater cooperation with other relevant partners would also be required.

74. It would also be advisable to create a mechanism for anticipating and preventing crises and conflicts, the signs of which were often to be found in States parties' reports. Thus far, the Committee had only been able to provide post-facto assessments of such situations - a case in point being that of the former Republic of Yugoslavia.

The meeting rose at 6 p.m.